

### REMARKS

The Office Action of March 30, 2006 has been reviewed and its content carefully noted. Favorable reconsideration of this case is respectfully requested.

The Office Action objected Claim 32 under 37 CFR §1.75 as being a substantial duplicate of claim 16. Claims 16-25, 28, 29, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berger et al. (U.S. Pat. No. 5,835,524) (“Berger ‘524”) in view of Eichberger et al. (U.S. Pat. No. 6,524,362) (“Eichberger ‘362”). Claims 16-25, 28, 29, 31, and 32 are also rejected as unpatentable over Eichberger ‘362 in view of Berger ‘524. Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as unpatentable over either Berger ‘524 in view of Eichberger ‘362 or Eichberger ‘362 in view of Berger ‘524 and further in view of Usher et al. (U.S. Pat. No. 5,827,474) (“Usher ‘474”). Claim 30 is rejected under 35 U.S.C. 103 (a) as unpatentable over Berger ‘524 in view of Eichberger ‘362, or Eichberger ‘362 in view of Berger ‘524 and further in view of Roth et al. (U.S. Pat. No. 5,641,336) (“Roth ‘336”). Additionally, Claims 16 and 32 are rejected for obviousness-type double patenting over claim 1 of Berger ‘524 in view of Eichberger ‘362. Claims 16, 19, 20, and 32 are also rejected for obviousness-type double patenting over claims 1 and 3 of Eichberger ‘362 in view of Berger ‘524.

#### **Objection under 37 CFR §1.75**

In response to the objection under 37 CFR 1.75 of claim 32 as being a substantial duplicate of claim 16, Applicants have cancelled claim 32. Withdrawal of the objection is respectfully requested.

#### **Rejections under 35 U.S.C. §103(a)**

The Office Action on page 6 notes that applied reference Eichberger ‘362 has common inventorship and ownership with the present application. However, Applicants respectfully point

out that Berger '524 has a common inventorship and ownership with the present application.

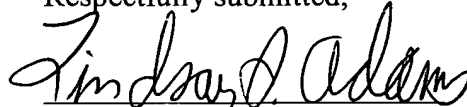
To overcome the rejection, Applicants submit as Exhibit 1, a copy of the assignment of the present application showing common ownership with Berger '524. Berger '524 and the present application have been assigned to Voest-Alpine Industrieanlagenbau GmbH. As a result, Berger is not prior art under 35 U.S.C. § 103(a) against the present application.

**Obviousness-type Double Patenting**

In response to the obviousness type double patenting of Claims 16, 19, 20, and 32 over Berger '524 in view of Eichberger '362, Applicants submit herewith a terminal disclaimer to overcome this rejection. The terminal disclaimer has been executed by an Attorney of record, Lindsay Adams.

Applicants respectfully submit that this application is in condition for allowance. Early and favorable action is earnestly solicited. A fee for filing a terminal disclaimer is enclosed. Applicants believe there are no other fee is due, however if any other fee is due, the amount of such fee may be charged to Deposit Account No. 50-1145.

Respectfully submitted,



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